

*The JFA Institute*

*Conducting Justice and Corrections Research for Effective Policy Making*

# Orleans Prison Population Projection Update

**Submitted by**

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## **Acknowledgements**

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## **Executive Summary**

### **Major Trends**

1. Although there was an increase in 2014, reported serious crime has remained relatively stable since 2007.
2. Adult arrests and the number of people being admitted to Orleans Parish Prison have continued to decline.
3. The OPP average daily prison (ADP) population also has continued to decline, as projected, dropping from over 3,000 in 2009 to 2,062 for 2014.
4. The past year recorded another drop of 225 inmates due to a combination of declines in OPP bookings, pretrial length of stays and reductions in the pretrial and state sentenced DOC prisoner populations.
5. As of December 2014 the OPP inmate population reached an historic low of 1,861 inmates.
6. In terms of future growth there are no external demographic, crime or arrest trends that would cause an increase in prison admissions or the prison population.
7. Although the City plans to add 150 police officers to its existing 1,170 workforce level, it is not expected that these additional police officers will cause an increase in felony arrests, OPP bookings, and the ADP.

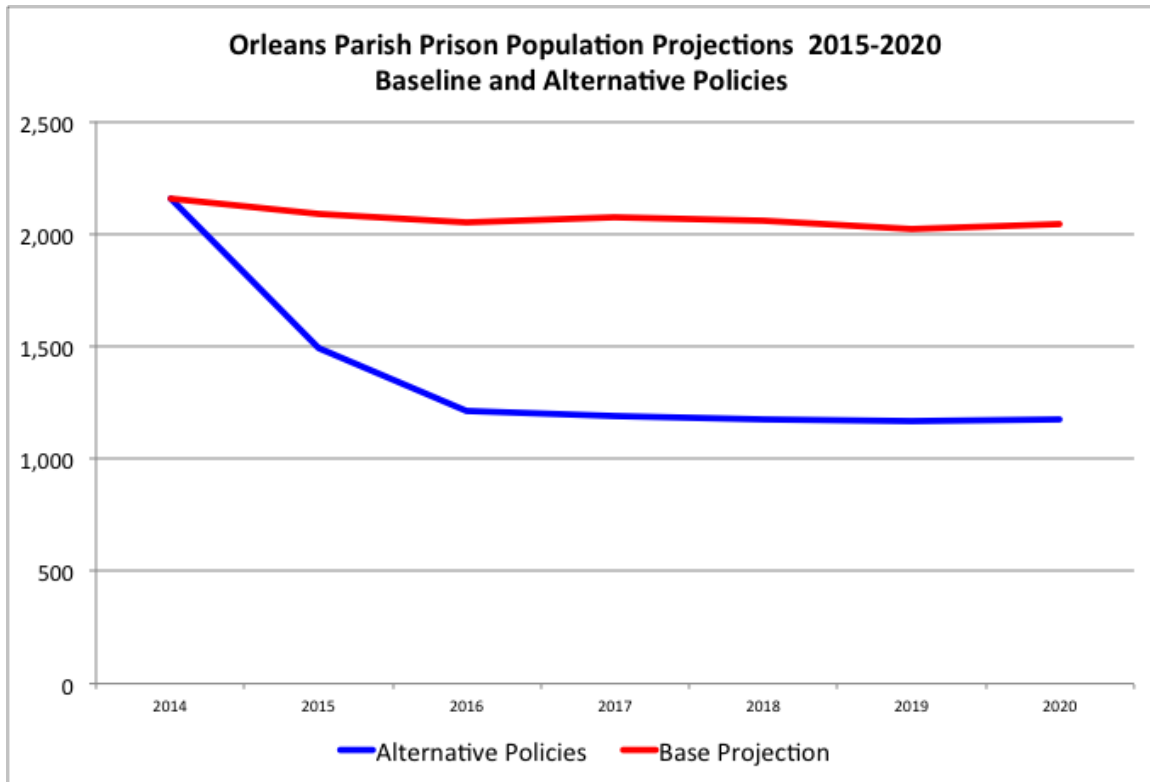
### **Base OPP Inmate Projection – Current Policies and Trends**

8. Under current demographic, crime and arrest trends, there will continue to be very modest decline in bookings over the next two years. This decline in bookings will result in a very modest decline in the OPP prison population of approximately 75 inmates over the next two years and then will likely stabilize.
9. There will also be a reduction of approximately 70-75 Plaquemines Parish inmates who are currently being held in the OPP once the new 800 bed Plaquemines prison opens this year.
10. Based on these trends, the “base” projection suggests a total inmate population of 2,050 by the end of 2015 at which time it will stabilize.

### **Population Reduction Policy Options**

11. Large reductions (about 300 inmates) could occur for the existing DOC inmate population who have no pending felony charges are promptly transferred after being sentenced to the DOC.
12. Further reductions may be achieved by expanding the use of the pretrial felony population by either increasing the use of pretrial release and/or expediting the disposition of felony cases.
13. Other reductions can be readily achieved by expediting the size of the technical parole and probation populations, and, removing all juveniles (under age 17) who have been charged as adults and placing them in the Parish’s recently opened juvenile detention facility.

14. If these policy options are adopted and coupled with overall arrest and booking trends, the Orleans prisoner population could reach 1,300 inmates by the end of 2016. This estimate is approximately the same as the one made in the January 2014 JFA projection report.
15. Even at the 1,200 ADP population the OPP incarceration rate would be 317 inmates per 100,000 population which is well above the U.S. national jail rate of 231 inmates per 100,000 population.<sup>1</sup>



<sup>1</sup> Todd D. Minton and Daniela Golinelli, August 12, 2014. *Jail Inmates at Midyear 2013 - Statistical Tables* Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

## **Introduction**

This report is the seventh in a series of Orleans Prison Population (OPP) projection reports prepared for the Mayor's Office of New Orleans that serve to update current trends and population projections for the Orleans Parish Prison (OPP). These reports are designed to keep the Parish fully informed on those trends that may be influencing the future size of the OPP inmate population. The JFA Institute was originally asked to develop base prison population by the U.S. Department of Justice's National Institute of Justice for the Parish in 2010. At that time the OPP population was approximately 3,100. As projected at that time there were several reforms coupled with declining crime and arrest trends that suggested the OPP population could be significantly reduced. As contained in this report, 2015 witnessed yet another significant drop in the OPP population by over 200 inmates.

Currently the Orleans Parish is preparing to open a new 1,438 bed jail. There is considerable concern about the future and additional bed needs for the Parish under both current and alternative criminal justice reforms. This report provides both a baseline projection (current policies) and an alternative scenario that would further lower the OPP population if implemented.

## **Population, Crime and Arrest Trends**

The previous reports have updated the demographic, crime and arrests trends for the Parish. These are factors that can serve to increase or reduce jail admissions which directly impact the size of the OPP prisoner population.

Figure 1 shows the historic population trends for Orleans Parish and other major parishes in Louisiana. Prior to Katrina, Orleans had begun to decline while the other major parishes and the state as a whole were remaining fairly stable. After Katrina, Orleans has steadily increased but never reaching its pre-Katrina population of 450,000. The most recent estimate is currently estimated at approximately 378,715.<sup>2</sup>

Projected demographic trends for the Orleans metropolitan area as developed defined by the U.S. Census are shown in Figure 2. Because there are a substantial number of people who reside in nearby Jefferson parishes, it would be proper to examine the metropolitan trends and not simply Orleans Parish, although the trends are similar.

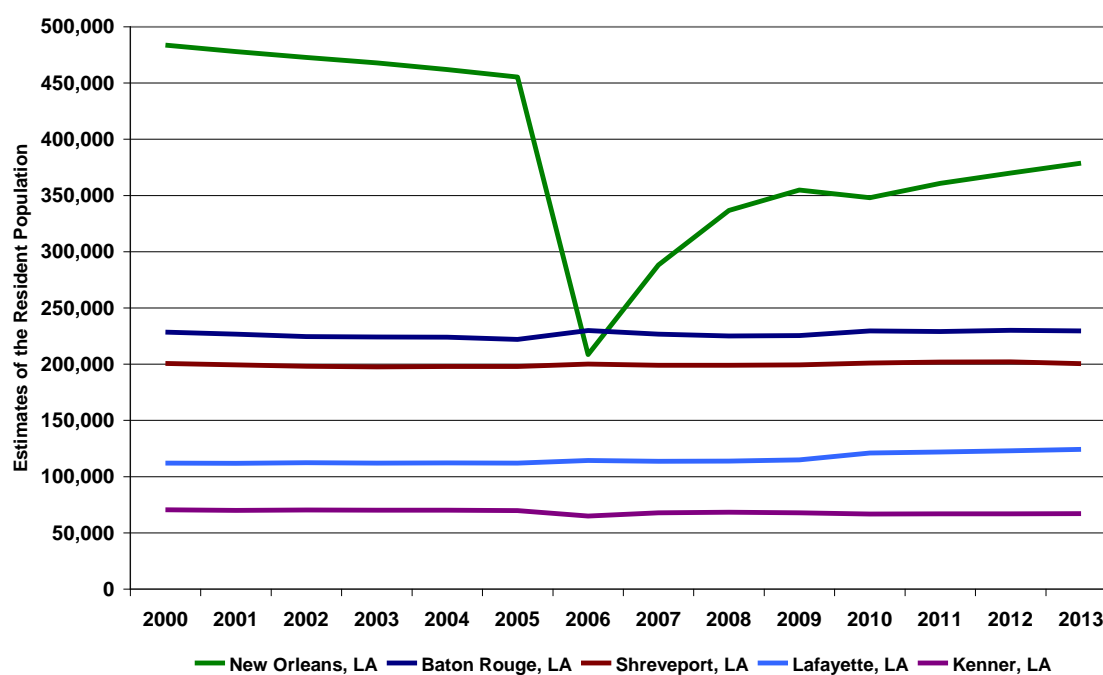
The overall projection for the metropolitan area is moderate growth (Figure 2). However, the so called "at risk" for incarceration group (people between the ages of 18 and 45) is actually projected to slightly decline which is consistent with the state and national trends of an aging population. As the population becomes increasingly older, it is expected that

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U.S. Census: <http://quickfacts.census.gov/qfd/states/22/22071.html>

**Figure 1. Population by Select Places in Louisiana**

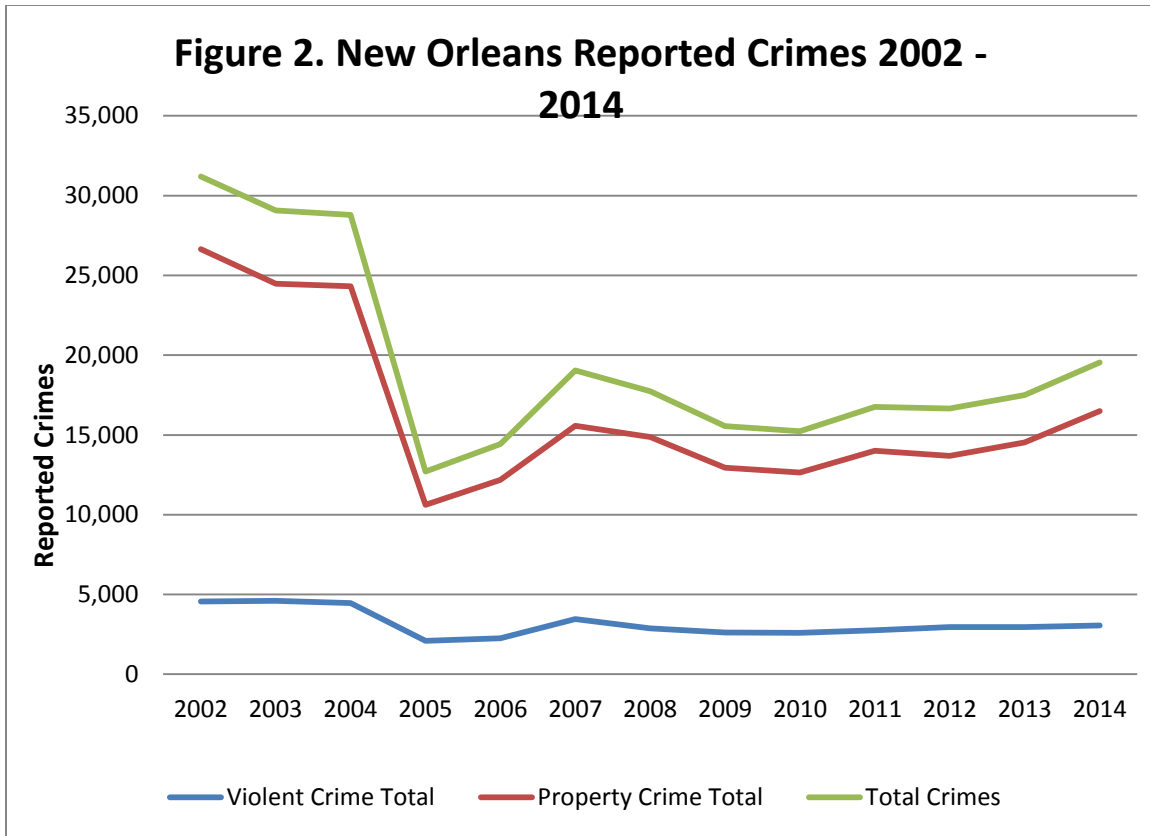


Source: U.S. Census

there will be a natural suppression of crime rates since there is a correlation between age structure and crime rates. These trends are positive relative to crime rates and thus the need for criminal justice resources.

The only contradictory trend is a slight increase in the size of the Black population between the ages of 18 and 45. As will be shown later on in the report, the number of people booked and held in the OPP is disproportionately Black (nearly 90%); therefore under current criminal justice policies the number of Blacks incarcerated could increase.

In terms of reported crime there was a steady decline in reported crime between 2002 and 2005 (Figure 2 and Table 1). After Katrina the number of reported crimes increased moderately in 2006 and 2007, and then began to decline again through 2012. The total number of reported crimes increased in 2014 primarily due to an increase in property type crimes. Part of the increase may be related to a continued increase in the Orleans population as it continues to rebuild after Katrina and attract more residents. In terms of crime rates per 100,000 the rate has remained relatively stable since 2009. However, it is also true that reported serious crimes which is largely composed of larceny and theft charges, represents only 5% of the Orleans population meaning that crime impacts only a small percent of the Orleans residents and visitors.



Sources: NOPD and U.S. Census

**Table 1. Historical New Orleans Reported Crime and Crime Rates - 2002-2014**

Year	Violent	Property	Total Reported Crimes	Orleans Population	Reported Crime as % Of Population	Crime Rate Per 100,000
2002	4,556	26,650	31,206	472,744	7%	6,601
2003	4,596	24,477	29,073	467,761	6%	6,215
2004	4,467	24,316	28,783	461,915	6%	6,231
2005	2,086	10,612	12,698	455,108	3%	2,790
2006	2,255	12,178	14,433	208,548	7%	6,921
2007	3,451	15,583	19,034	288,113	7%	6,606
2008	2,869	14,880	17,749	336,644	5%	5,272
2009	2,614	12,940	15,554	354,850	4%	4,383
2010	2,593	12,645	15,238	347,965	4%	4,379
2011	2,747	14,013	16,760	360,692	5%	4,647
2012	2,958	13,689	16,647	369,888	5%	4,501
2013	2,965	14,525	17,490	378,715	5%	4,618
2014	3,056	16,487	19,543			

Sources: NOPD and U.S. Census

Predicting future crime rates is at best a very difficult proposition. Crimes rates are

driven by a wide array of demographic, economic, and societal factors. The extent to which Orleans Parish is able to improve such conditions will serve to lower crime rates, which remain relatively high. Overall the crime rate has remained relatively stable and should remain stable under current demographic, economic and criminal justice policies.

A more direct impact on the Orleans prison is the number of adults arrested each year. There has been a steady decline in adult arrests through 2012 (Figures 3 and 4), with a slight uptick in 2013 just as there was an uptick in reported crime. The most recent arrest data in 2014 is consistent with crime data—there has been an increase in the total number of adult arrests.

The continued decline in arrests is important when estimating the future size of a jail population. People arrested for violent crimes are less likely to be released on bail or other forms of pretrial release. Conversely, property crimes and especially theft charges are more likely to be released in pretrial status so an uptick in these crimes should have less of an impact on jail populations.

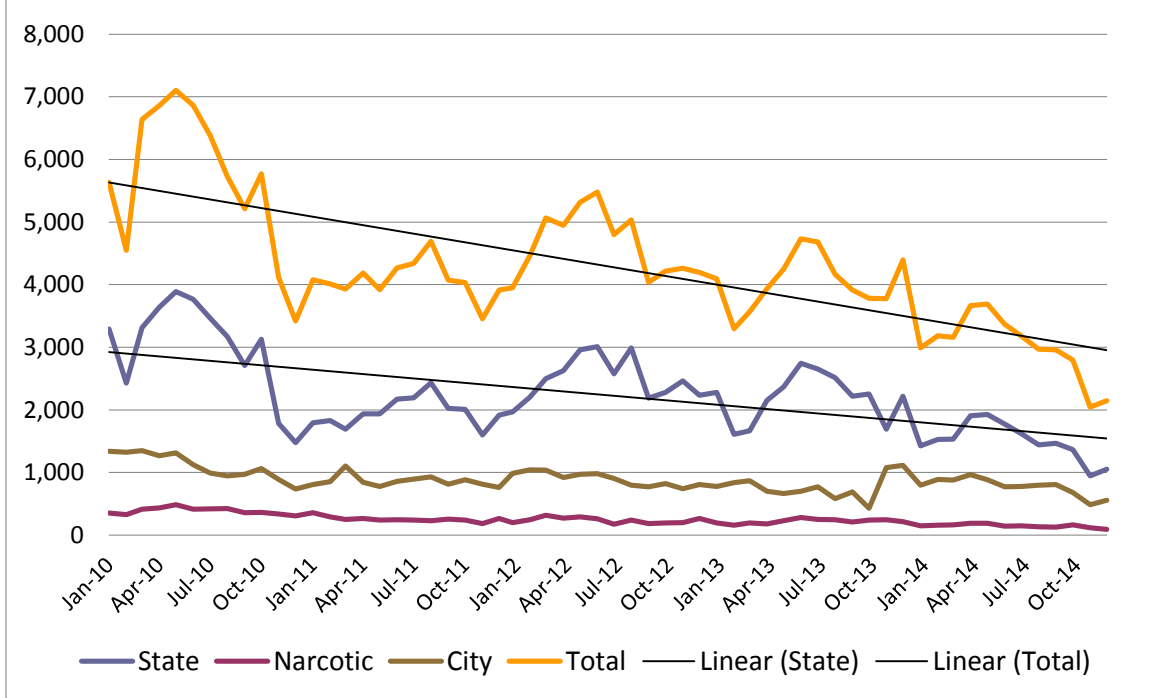
## **Bookings and Jail Population Trends**

In terms of OPP prison admissions or bookings, the Sheriff has provided updated numbers of the people being admitted to the OPP and the number of criminal charges associated with each booking in Figure 5. Although there was a slight uptick in admissions in 2014, these numbers show a continuation of the overall decline in admissions that has been occurring over a number of years. In 2011 there were a total of 34,962 admissions. In 2014 there were 27,505 bookings – a drop of over 7,000 bookings. The decrease in bookings is partially related to a greater use of summons in lieu of arrest by the NOPD. However, it also appears that the bookings have begun to stabilize so future major reductions in bookings are less likely. As with arrests, there is some seasonality in admission trends as they tend to decline over the holiday season and then increase again after February.

The steady decline in bookings is also associated with the decline in the OPP jail population which has continued to decline in 2014 (Figure 6). As of December 31, 2014 the total OPP inmate count was a historically low 1,861 inmates as opposed to 2,048 in December 2013. The average population through December 31, 2014 was 2,062 which is 225 less than the average population for 2013 of 2,287. There were declines in all categories, although the greatest reductions were in the pretrial felons and sentenced DOC state inmates (Table 2). Note that the historical population numbers exclude the 70-75 Plaquemines Parish inmates who are being held in the OPP.

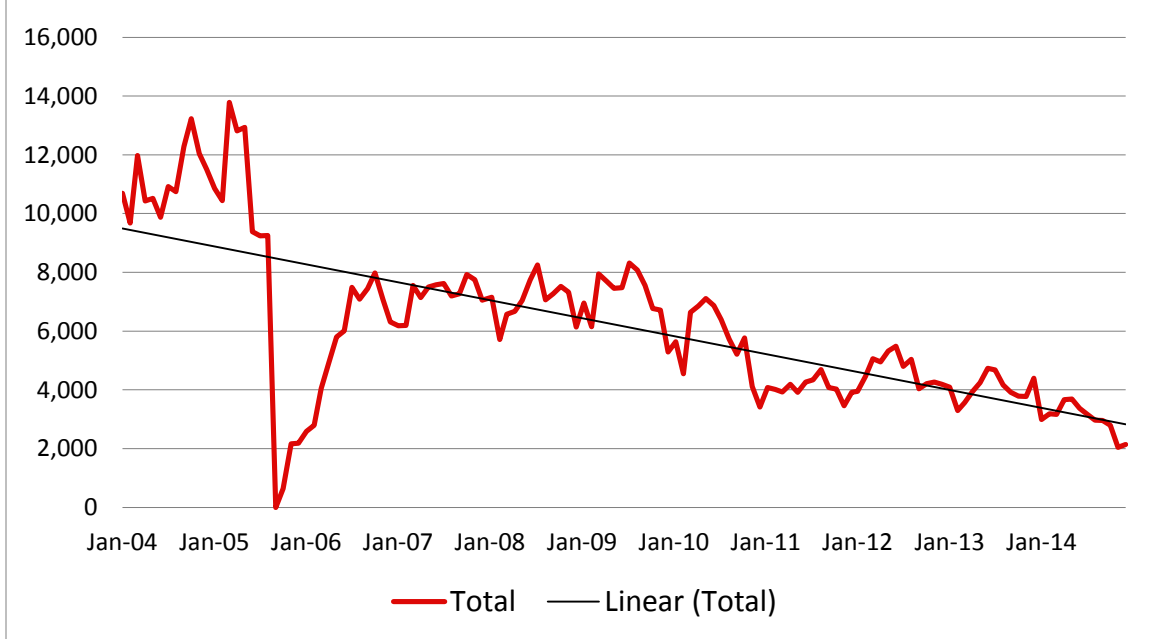


**Figure 3. Adult Arrests 2010-2014**



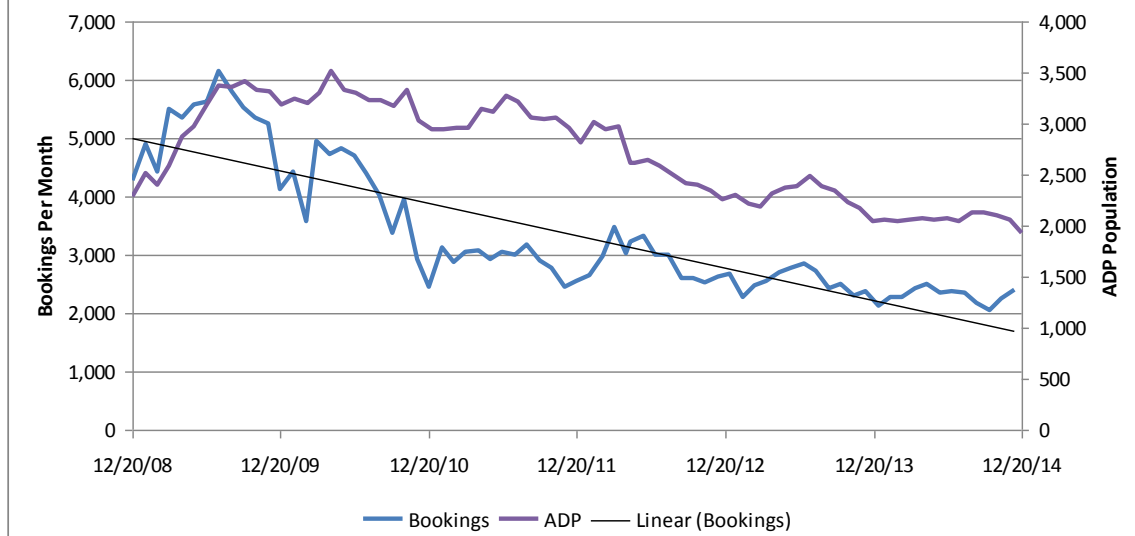
Source: New Orleans Police Department

**Figure 4. NOPD Adult Arrests 2004-2014**



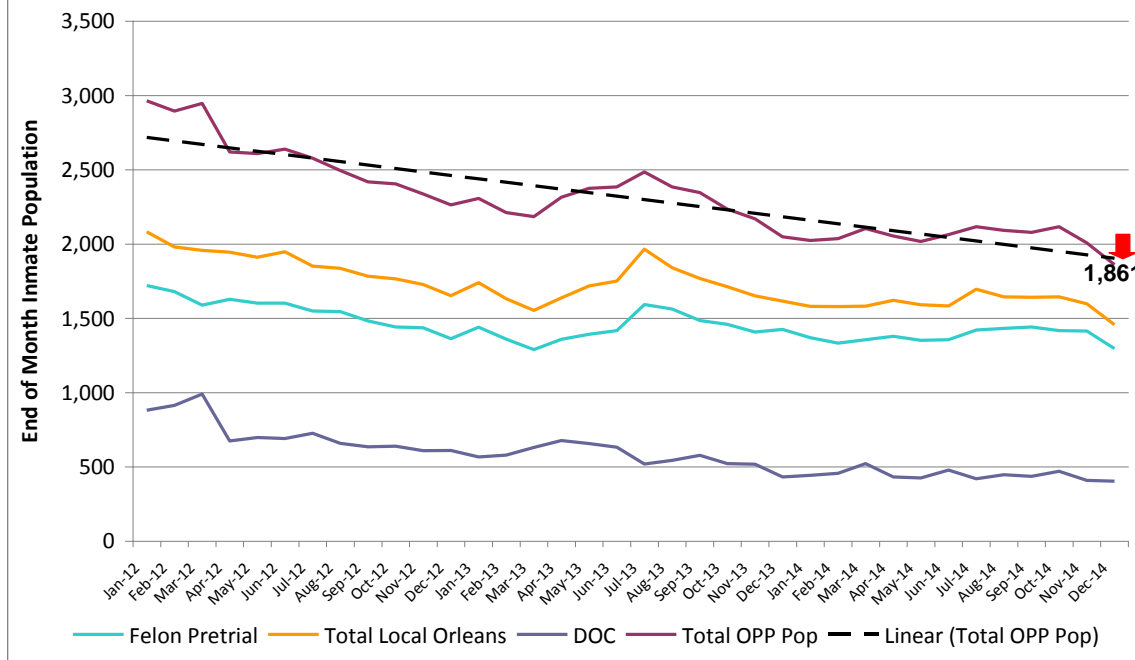
Source: New Orleans Police Department

**Figure 5. OPP ADP and Bookings December 2008 - December 2014**



Source: Orleans Parish Sheriff's Office

**Figure 6. January 2012 - December 2014  
Trends in the Orleans Parish Inmate Populations**



Source: Orleans Parish Sheriff's Office

**Table 2. Average Annual OPP Populations by Legal Status –  
2012 versus 2014**

<b>Legal Status</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>	<b>Difference 2012-2014</b>
<b>Total Local</b>	1,666	1,716	1,870	-204
Felon Pretrial	1,364	1,433	1,553	-189
<b>DOC</b>	396	572	728	-332
<b>Total OPP</b>	2,062	2,287	2,598	-536

Source: Orleans Parish Sheriff's Office daily count sheets. Excludes Plaquemine Parish inmates.

### **Detailed Attributes of the OPP Daily Inmate Population**

The next level of analysis focuses on the daily inmate population and the extent to which it is changing. In the pages that follow, more detailed analysis is shown on the specific attributes of the daily OPP population in terms of demographics, criminal offenses, and legal status. These data will begin to highlight those inmate populations that are occupying the largest number of jail beds on the OPP.

Table 3 shows the basic demographics of the current OPP inmate population as of November 3, 2014 – the most recent data snapshot of the OPP population. Similar to most jail systems the population is disproportionately male (92%) and young (63% age 34 or younger). What is distinctive for the OPP is the extraordinary percentage that is Black (87%) as compared to the size of the metropolitan population (60%<sup>3</sup>).

Table 4 examines the jail population by key legal statuses. As shown in the table, the two largest “legal status” groups are the pretrial and sentenced DOC inmates. The largest groups of inmates within the pretrial population are those charged with felony level crimes. There is also a group consisting of people who are being held on violations of their terms of probation or parole.

Table 4 also contains the average number of days each group has been in custody thus far. We have also added a column that indicates how many of each group has been in custody for at least 7 days. The time in custody (or length of stay or LOS) is also a direct measure of how long people are being incarcerated.

The majority of people currently in custody have been in custody for at least 7 days which means they were not able to gain quick releases either via bail, bond surety or other forms of non-financial pretrial release. The LOS associated with these groups is discussed in more detail within the next section.

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<sup>3</sup> U.S. Census: <http://quickfacts.census.gov/qfd/states/22/2255000.html>

**Table 3. Demographics of November 3, 2014 Snapshot of OPP Jail Population**

<b>Demographic</b>	<b>N=2,157</b>	<b>% of OPP Population</b>	<b>% of Metropolitan Area</b>
<b>Gender</b>			
Female	172	8%	52%
Male	1,985	92%	48%
<b>Race</b>			
Asian	9	.4%	3.5%
Black	1,871	86.7%	32.5
Hispanic	4	.2%	8.6%
White	273	12.7%	58.2%
<b>Current Age</b>			
Under 18	45	2.1%	14%
18-24	585	27.1%	19%
25-34	736	34.1%	14%
35-44	431	20%	13%
45+	360	16.7%	40%

Source: Orleans Parish Sheriff's Office. Includes Plaquemine Parish inmates

**Table 4. Key Legal Statuses of the Current OPP Jail Population as of November 3, 2014 Snapshot**

<b>Legal Status</b>	<b>N</b>	<b>%</b>	<b>Average LOS (days)</b>	<b>Number w/ LOS over 7 days</b>
<b>Pretrial</b>	<b>1,141</b>	<b>52.9%</b>	<b>230</b>	<b>1,001</b>
State/Felony	1,044	48.4%	250	951
City/Misdemeanor	85	3.9%	21	45
Traffic	12	0.6%	13	5
<b>Sentenced</b>	<b>82</b>	<b>3.8%</b>	<b>82</b>	<b>79</b>
Parish Prison	33	1.5%	144	32
City/Misdemeanor	49	2.3%	40	47
Traffic	0	0.0%	0	0
<b>DOC Probation Violations</b>	<b>225</b>	<b>10.4%</b>	<b>139</b>	<b>221</b>
<b>DOC Parole Violations</b>	<b>167</b>	<b>7.7%</b>	<b>136</b>	<b>165</b>
<b>DOC Sentenced Inmates</b>	<b>454</b>	<b>21.1%</b>	<b>147</b>	<b>446</b>
Regular DOC	390	18.1%	128	382
DOC Work Release	64	3%	261	64
<b>Plaquemines</b>	<b>71</b>	<b>3.3%</b>	<b>98</b>	<b>66</b>
<b>Other</b>	<b>17</b>	<b>.8%</b>	<b>548</b>	<b>17</b>
Department of Health and Human Services	13	0.6%	704	13
Hold	4	0.2%	39	4
<b>Total All Detained</b>	<b>2,157</b>	<b>100%</b>	<b>188.5</b>	<b>1,995</b>

Source: Orleans Parish Sheriff's Office. Includes Plaquemine Parish inmates

Table 5 shows the most serious charge for the total inmate population by the primary charge the defendant is facing in court. A large percent of the inmate population is charged with a violent crime (40%) followed by non-violent property crimes (35%) and drug crimes (20%).

**Table 5. Comparison of OPP Jail Population by Most Serious Charge as of November 3, 2014 Snapshot\*\***

Charge	Dec. 2013		Nov. 2014	
	N=2,152	%	N=2,151	%
<b>Violent</b>	<b>1,034</b>	<b>48%</b>	<b>872</b>	<b>40%</b>
Murder	277	13%	309	14%
Sex	93	4%	91	4%
Assault/Battery	422	20%	191	9%
Robbery	130	6%	173	8%
Other violent	84	4%	80	4%
Domestic violence	28	1%	28	1%
<b>Drugs</b>	<b>356</b>	<b>16%</b>	<b>425</b>	<b>20%</b>
Drug sale	264	12%	312	15%
Drug possession	92	4%	113	5%
<b>Weapons</b>	<b>97</b>	<b>5%</b>	<b>103</b>	<b>5%</b>
<b>Non-Violent</b>	<b>664</b>	<b>31%</b>	<b>751</b>	<b>35%</b>
Burglary	80	4%	122	6%
Theft/fraud/forgery	85	4%	111	5%
Other property	33	2%	47	2%
Other non-violent	466	21%	471	22%

\*\*1 Missing (Dec. 2013) and 6 Missing (Nov. 2014)

Source: Orleans Parish Sheriff's Office. Includes Plaquemine Parish inmates

## Length of Stay and Methods of Release

The next level of analysis focused on changes in the length of stay (LOS) for persons released from the OPP. Table 6 shows the number of releases for 2014 as well as the number of individual people within those releases compared to 2013. Here one can see that the overall LOS has declined between 2013 (30.9 days) and 2014 (29.3 days).

Of the 27,614 releases recorded by the OPSD in 2014, approximately 5,000 were multiple releases for the same person. There are 436 people who produced four or more releases in 2014, compared to 629 in 2013.

Table 7 shows the method of release as recorded by the OPSO. The shortest LOS is for people who are cited out by the Sheriff ("fast track"), ROR, or post some form of bail/bond. Inmates that spend the longest period of time in custody are eventually transferred to the custody of the state's DOC. These are inmates who eventually receive a prison term or are returned to the custody of the DOC's probation and parole division. There is also a large group for whom the method of release is "unknown" according to the OPSO data system.

**Table 6. Summary of OPP Releases and Length of Stay (LOS)  
2013 – 2014**

Release Statistics	2013		2014	
	Releases	%	Releases	%
<b>Total Releases</b>	<b>31,027</b>	<b>100%</b>	<b>27,614</b>	<b>100%</b>
Persons released once	24,594	79.3%	22,363	81%
Two releases	4,536	14.6%	3,813	13.8%
Three releases	1,268	4.1%	1,002	3.6%
Four or more releases	629	2.1%	436	1.6%
Overall Length of Stay	30.9 days		29.3 days	

Source: Orleans Parish Sheriff's Office. Includes Plaquemine Parish inmates

**Table 7. Releases Cohorts by Release Type**

Method of Release	2014		
	Releases	%	LOS (days)
<b>Total Releases</b>	<b>27,614</b>	<b>100%</b>	<b>29.3</b>
Surety/property bond	5,703	20.7%	8.3
Court release	8,323	30.1%	17.4
Sheriff's "Fast Track"	2,336	8.5%	0.5
Cash bond	1,609	5.8%	1.3
Rollout	138	.5%	38.5
ROR	1,429	5.2%	4.3
Time served	531	1.9%	61.4
Parole Violators	441	1.6%	75.3
Release To DOC	1,578	5.7%	217.9
DA Refuse	275	1%	115.2
New Court Date	1,834	6.6%	87.6
Other/Unknown	3,417	12.4%	56.1

Source: OPSD monthly data files. Includes Plaquemine Parish inmates

**Table 8. 2014 Releases by Legal Status at Release**

<b>Legal Status</b>	<b>Releases</b>	<b>%</b>	<b>LOS (days)</b>
<b>Total Releases</b>	<b>27,614</b>	<b>100%</b>	<b>29.3</b>
Warrant	7,293	26.4%	4.5
DOC	2,578	9.3%	184.8
Pretrial Felons	6,801	24.6%	31.2
Sentenced Felons	140	0.5%	175.0
Misd./Traffic Pretrial	5,596	20.3%	5.0
Misd./Traffic Sent.	257	0.9%	64.5
City Pretrial	4,216	15.3%	2.6
City Sentenced	726	2.6%	25.5
Unknown/Other	6	0.0%	7.4

Source: OPSD monthly data files. Includes Plaquemine Parish inmates

## **Updated OPP Projections**

### **Projection Policy Simulation Model**

Inmate and correctional population projections should not be seen as magic boxes used to predict the future, but instead as tools for understanding the origin and direction of prisoner population changes based on current and alternative criminal justice policies. They are used most effectively to predict future population levels and to analyze the impact of new and proposed changes in laws, policies and administrative practices.

To meet this need, the JFA has developed the Prophet Simulation Software for simulating and forecasting pre-trial, sentenced prisoner, probation, parole and any other correctional populations. This model can be used in a number of ways. Institutional planners may use it to project future population levels to better prepare for increases or decreases in the growing demand for scarce bed space and programmatic resources. Policy makers can foresee the effects of changes in current laws or policies prior to their implementation. Researchers can “sort out” and isolate the effects of specific practices that may otherwise be obscured in the complex web of criminal justice activity

This model has been used since 1982 by the JFA staff to assist numerous state and local jurisdictions across the country (including the Louisiana Department of Public Safety and Corrections) to provide support for correctional population projections. The model has been used successfully to generate prisoner population forecasts in over 50 state and local jurisdictions across the country. It was cited by the U.S. GAO as one of the nation’s most sophisticated and well-established projection models available to correctional agencies.



## **Technical Attributes of the Model**

Because no two criminal justice systems are the same, there is no single Prophet model. Instead, the software allows analysts to customize and construct models that mimic the actual flow of prisoners through systems, based on the unique law enforcement, sentencing structure and policy environments of the target system. It is best to think of the Prophet simulation software as a “shell” or beginning structure that can be constructed in any fashion.

The Prophet Simulation model is an example of a stochastic entity simulation model. It is stochastic in the sense that the model is conceptually designed around the movement of individual cases (offenders) into, through, and out of correctional populations defined by the user. The model also makes use of the Monte Carlo simulation techniques by adding an element of randomness to the simulation model.

Random numbers are generated and used by the simulation process to determine the prisoner group composition and lengths of stay associated with a system. Individual cases are processed by the model through a series of probability distribution arrays or matrices, which provide computations for individual cases. When loaded with accurate data, the model will mimic the flow of prisoners through a correctional system.

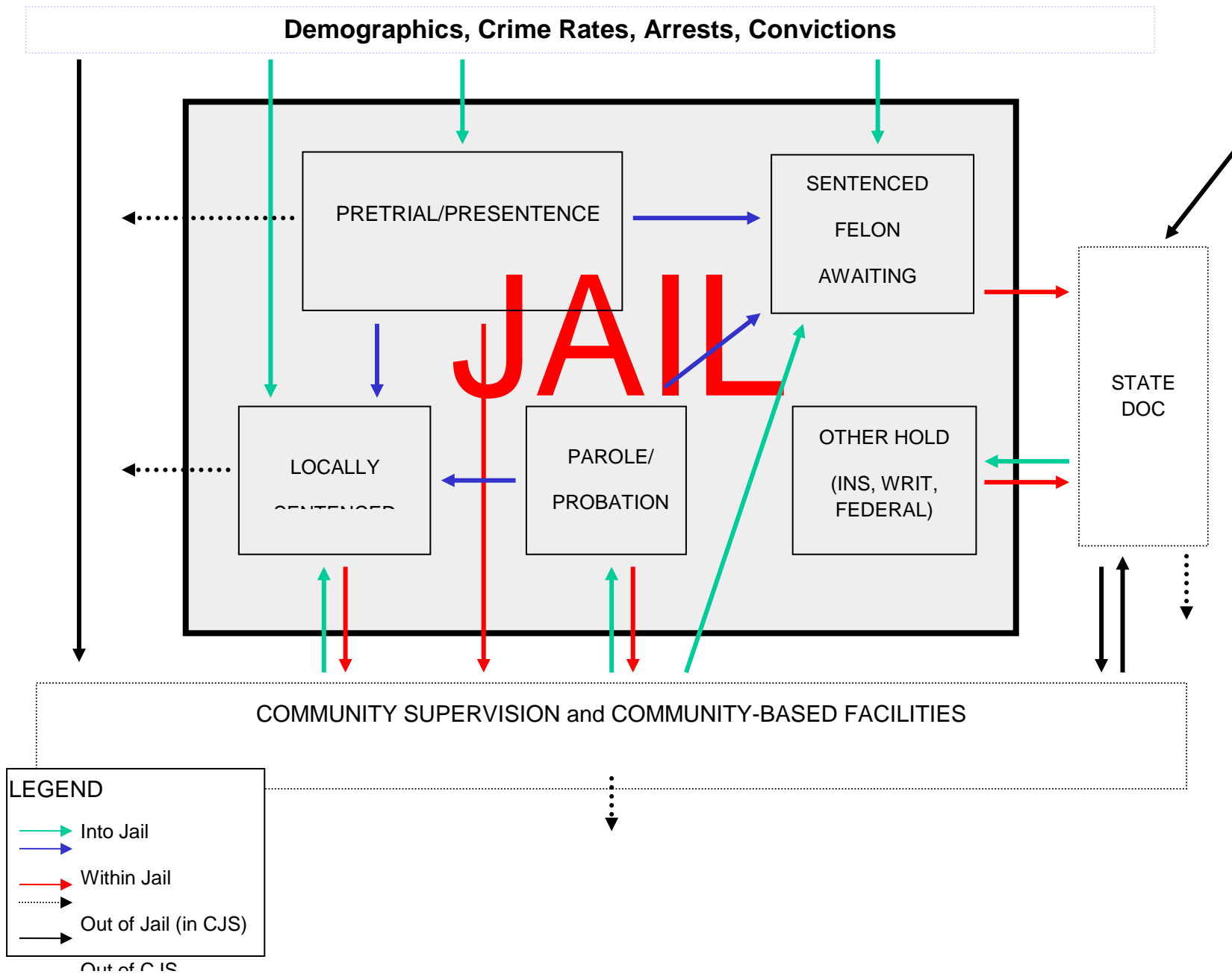
The forecasted populations are composed of: (1) cases confined at the beginning of the simulation, and (2) cases admitted to the population at any point after the start of the simulations. The existing prisoner population and new prisoner admissions are modeled separately. By disaggregating a system in this manner, the user can adjust each of these sub-populations without altering the process of other sub-groups. This is particularly significant for completing “what-if” simulations on the forecasted population.

## **Key Projection Assumptions**

There are several key assumptions that pertain to the updated “base-line” projection that are summarized here.

### *Demographic and Crime Trends*

As suggested from the data presented at the start of the paper, there are no expected demographic or crime trends that would serve to inflate current OPP admission numbers. Indeed, the long-term crime trends may decline as the City implements other initiatives that are designed to directly (law enforcement initiatives) and indirectly (economic, employment, health care, and education initiatives) crime rates. For example, the Mayor recently announced a major economic initiative to address the extraordinary high (52%) unemployment rate for African American males.



If this initiative is successful there will be associated further reductions in crime and recidivism rates which will impact the need for jail bed space.<sup>4</sup>

#### *Additional Police Officers*

There has been some concern raised that the addition of law enforcement officers to the NOPD will inevitably increase the number of arrests, bookings and therefore the OPP inmate population. While this is a possibility the research and experience both within the NOPD and elsewhere show no causal relationship between the number of police officers, crime rates, arrests and correctional populations. Indeed there are recent examples in Los Angeles and New York City where so called “smart policing” methods has served to significantly reduce crime rates, felony arrests and local jail populations.<sup>5</sup>

Currently, the City is expecting to hire 120 new officers for 2015. However, due to attrition the next gain in the work force will be 20-50 sworn officers which would represent a net increase of only four percent of the current workforce of 1,170 sworn officers. In 2010, the work force was 1,500 and steadily declined even as the crime rate also declined. Given all of these factors, the basis for increasing the OPP admissions estimate based solely on the increase in sworn officers is not warranted at this time.

#### *Removal of the Plaquemines Parish Prisoners*

There remains approximately 70-75 Plaquemines Parish prisoners who are being held in the OPP in a courtesy to the Plaquemines while it constructed an 800 bed prison. That facility is scheduled to be available for occupancy in the next few months. Once the jail is opened it will no longer be necessary to house the 70-75 inmates in the in the OPP system.

#### *Continued Expansion and Use of Pretrial Release*

New Orleans Pretrial Services, operated by the Vera Institute of Justice, was retained by the City to continue its pretrial release and risk assessment services. It is expected that as the program becomes more accepted by the courts there will be a modest reduction in the current size of the current pretrial populations. Based on the analysis of the remaining pretrial population and interviews with the New Orleans Pretrial Services staff, the next two years should produce a further reduction of another 150 pretrial inmates.<sup>6</sup>

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<sup>4</sup> <http://www.nola.gov/mayor/press-releases/2014/20140909-economic-strategy/>

<sup>5</sup> Steven N. Durlauf and Daniel Nagin, “Imprisonment and crime: Can both be reduced?” *Criminology & Public Policy*, Volume 10, Issue 1: pages 9–12,. James Austin and Michael Jacobson

<sup>6</sup>

Klute, Tara Boh and Lori Eville, 2013. New Orleans Pretrial Services: An Assessment of the Pretrial Services Program, NIC TA#: 13C1066.

This figure is based on two sources. First, the U.S. Department of Justice's National Institute of Corrections (NIC) issued a report in 2013 that evaluated the current pretrial services program. The NIC study found there were approximately 250 pretrial defendants who were assessed as low risk and were charged with non-violent crimes. Second, the Director of the Pretrial Services Program indicated that a 200 reduction in the pretrial population is feasible based on their risk screening results. JFA has reduced that estimate by 100 to 150 over a two-year period (75 per year) for the purposes of establishing a more cautious estimate of much the pretrial population could be reduced.

*Efficiencies in the court processing of felony level charges with an without probation or parole holds*

Our analysis has shown that if a defendant is unable to secure immediate release via bail, surety bond or R.O.R, they will remain in custody for several weeks or months until the courts dispose of their cases. In most of these cases the final disposition will be credit for time served, probation or a sentence to state prison. Delays in reaching a disposition often stem from multiple charges that occurred on different dates and/or probation and parole violations.

To assess this issue, a random sample of cases were reviewed with the District Attorney in 2014 to determine how court in-efficiencies were contributing to the pretrial felony population. In that review, two examples were suggested by the District Attorney's staff that if implemented would reduce the final disposition of such cases.

One example is where a person has been convicted of a felony crime but also has related Municipal traffic violations. For example one case we reviewed was a person who was arrested for speeding but was also found to in possession of a firearm which is a felony charge for an ex-offender. Once this person was convicted to state prison for 10 years, he remained in custody for several weeks to address the traffic violations. A policy that would either dismiss or quickly address the far less serious traffic violations that absent the felony charge would not result in a prolonged detention.

The second example involved probation violators who also have a pending charge. Current practice is to prosecute the person on the felony charge and then address the probation violation. This sequencing of the pending matters before the courts only serves to delay a final disposition of either returning the probationer to community supervision or revoking probation and re-instating prison term.

Disposition of felony cases involving charges of violent crime, drug sales and possession, and burglary exceed the national average. The proposed changes to case processing could include:

1. Fewer continuances by judges, defense counsel (private and public), and prosecutors;
2. More reliable transfer of detainees by OPSO, which would decrease failures to appear and delayed hearings;
3. Consistent access to the evidence room at the Clerk of Criminal Court;

4. Concurrent case processing across courts (Criminal and Municipal) and across sections (move open charges to one section); and,
5. Reduce the time from arrest to arraignment (NOPD's transfer of a case to the District Attorney plus the time it takes the DA to make a screening decision (average is 51 days from arrest to arraignment)).

If all cases of these types were handled within one year, there would be, at minimum 237 fewer detainees at OPP. Recognizing that it will take some time to fully implement these reforms, we are projecting a reduction of 120 inmates in 2015 followed by another 117 drop in 2016

### *Removal of State DOC Inmates*

A key question for a number of years is whether offenders sentenced to state prison should or can be transferred to the state DOC facilities. One issue is not in question. The DOC inmate population is declining and is projected to continue to decline from a previous high of approximately 40,200 to 38,000 over the next few years. So there is sufficient capacity in the state prison system to accommodate the 500 OPP state sentenced prisoners.

The Sheriff has maintained that a many of these DOC sentenced inmates cannot be transferred to the DOC for the following reasons:

1. Pending charges;
2. Assigned to the Re-entry program; and
3. Assigned to key trustee/work/maintenance positions.

The Sheriff has not provide the specific numbers of inmates that are in these three categories so attempts were made to make such estimates.

The DOC was first asked to indicate how many inmates could not be transferred to the DOC due to pending charges. According to the DOC records, in October 2014 the number as of the 2014 was 319 inmates who were eligible to transferred to the DOC.

In terms of the re-entry program, the OPSO operates one of three regional re-entry programs (the other two are operated by the Caddo and Madison Parish Sheriffs. The total capacity for these three programs is 255 with Orleans having a population of 39 as of April 2014.

It should also be noted that despite the widespread face validity of the reentry concept, there is little evidence to date that such programs have been effective in reducing recidivism. Operation Greenlight was a reentry program operated by the New York State Department of Corrections and consisted of a true experimental design with random assignment. The results found that prisoners processed through the reentry program actually had *higher* recidivism rates than the

control group. The evaluators attributed the findings to a combination of implementation difficulties, program design, and a mismatch of inmate needs and services.<sup>7</sup>

The national evaluation of 12 adult reentry programs funded by the National Institute of Justice found that while participation in reentry type prison programs accelerated there were only modest positive results in post-release employment, housing and substance abuse. Further there were no discernable effects on recidivism rates. The problem with these reentry programs was that the “dosage” was insufficient to produce stronger treatment effects.<sup>8</sup>

In a recent study of Louisiana’s three regional re-entry programs, it was determined that the two year recidivism rates were either equivalent or higher than the overall two year recidivism rates for other state prison releases.<sup>9</sup> For all of these reasons, continuation of the program as operated by the OPSO is not considered to be cost-effective and further contributes to the crowding situation at the Orleans prison system.

### *Other Special Populations*

There are three other opportunities to reduce the jail population that pertain to other segments of the OPP.

1. Technical parole violators could be moved to DOC facilities within a short period of apprehension: 68 parole violators have been at OPP longer than 90 days. It is estimated that establishing a maximum amount time for the Louisiana Parole Board to process such violators be set at 90 days which would reduce the OPP population by 68 inmates.
2. Faster processing of technical probation violators could also have a significant impact: 95 probation violators have been at OPP longer than 90 days. Applying the same criteria to the probation violators would generate a similar reduction of 95 inmates.
3. Juveniles charged as adults could (and should) be transferred to the Parish’s recently open juvenile facility. It is estimated there are 10-15 such juveniles in the OPP on any given time.

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<sup>7</sup> Wilson, J. A., and R. C. Davis. 2006. “Good Intentions Meet Hard Realities: An Evaluation of the Project Greenlight Reentry Program.” *Criminology and Public Policy* 5:303–38.

<sup>8</sup> Lattimore, Pamela V and Christy A. Visser. 2013. “Prison Reentry Services on Short-Term Outcomes: Evidence From a Multisite Evaluation. *Evaluation Review*, 37(3-4) 274-313

<sup>9</sup> Austin, James, Emmitt Sparkman, and Roger Ocker. August 2014. *An Assessment of the Certified Treatment and Rehabilitation Programs: Louisiana Department of Public Safety and Corrections*. Washington, DC: JFA institute.

## Population Projections

Based on the above analysis, projections have been developed that reflect current demographic, crime, arrest and criminal justice court processing procedures. Table 9 summarizes the expected OPP inmate populations for CY2015-2020. This projection includes the culminative impacts of implementing the various policies that have been described earlier over a two-year period. Declines that occur after 2016 are based on the other initiatives designed to lower the city's crime rate. The net result of these policies would lower the OPP population to an ADP of 1,534 for CY2015 and 1,295 for CY2016.

Conversely, if none of the policies are enacted by the Parish, the inmate population will decline slightly based on historic declines in arrests and bookings that will continue for least two more years and then stabilize.

We then apply a 10% peaking factor to estimate the number of beds required to safely house this average daily population. The 10. % is applied to the ADP which means a 15% range in the highest and lowest projected populations. The 10% rate was based on the actual seasonal fluctuations that have been observed for the past two years plus the need to ensure adequate beds for the special management populations (disciplinary segregation, administrative segregation, protective custody, severe mental health and severe medical care). These special populations generally constitute about 10% of a jail or prison population.<sup>10</sup>

When the 10% rate is applied it shows that the total bed needs for the OPP inmate population for CY 2015 will be 1,688 and declining to 1,262 by CY 2020.

Conversely if no reforms are implemented the Parish prison population will decline slightly but remain above the 2,000 level indefinitely. The prison bed need for that scenario is 2,251 beds.

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<sup>10</sup> Austin, James and Kenneth McGinnis, 2004. *Classification of High-Risk and Special Management Prisoners: A National Assessment*. Washington, DC: U.S. Department of Justice, national Institute of Corrections.

**Table 9. Current and Projected 5 Year OPP Population  
By Legal Status**

<b>Legal Status</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Pretrial	1,141	937	742	727	720	713	720
State/Felony	1,044	843	651	638	632	625	632
City/Misdemeanor	85	82	80	78	78	77	78
Traffic	12	12	11	11	11	11	11
Sentenced	82	80	77	76	75	74	75
Parish Prison	33	32	31	30	30	30	30
City/Misdemeanor	49	48	46	45	45	44	45
			0	0	0	0	0
DOC Probation Violations	225	175	130	127	126	125	126
DOC Parole Violations	167	129	99	97	96	95	96
DOC Sentenced Inmates	454	154	149	146	145	143	145
Regular DOC	390	90	87	86	85	84	85
Re-Entry	40	0	0	0	0	0	0
DOC Work Release	64	64	62	61	60	60	60
Plaquemines	71	0	0	0	0	0	0
Other	17	16	16	16	16	15	16
<b>Alternative Policies</b>	<b>2,157</b>	<b>1,491</b>	<b>1,214</b>	<b>1,190</b>	<b>1,178</b>	<b>1,166</b>	<b>1,178</b>
<b>@10% Peaking/Classification</b>	<b>2,373</b>	<b>1,640</b>	<b>1,335</b>	<b>1,308</b>	<b>1,295</b>	<b>1,282</b>	<b>1,295</b>
<b>Base Projection</b>	<b>2,157</b>	<b>2,092</b>	<b>2,050</b>	<b>2,071</b>	<b>2,061</b>	<b>2,022</b>	<b>2,044</b>
<b>@10% Peaking-Classification</b>	<b>2,373</b>	<b>2,302</b>	<b>2,255</b>	<b>2,278</b>	<b>2,267</b>	<b>2,224</b>	<b>2,249</b>



